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Intellectual Property Section
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Number of Pages (including this page)

Date: February 2, 2004

To: Examiner Ewart, James D. - Group Art Unit 2683

Location: United States Patent and Trademark Office

Fax No.: 703-872-9306

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 09/840,538

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MESSAGE:

Enclosed herewith, please find an AMENDMENT and RESPONSE for filing in the below-identified application.

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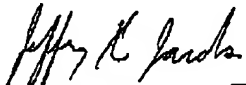
EXAMINER:	EWART, James D.
GROUP ART UNIT:	2683
SERIAL NO.:	09/840,538
FILED:	04/23/2001
INVENTOR:	Love et al.
DOCKET NO.:	CE08613E

PTO/SB/21 (08-00)

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/840,538
	Filing Date	04/23/2001
	First Named Inventor	Love et al.
	Group Art Unit	2683
	Examiner Name	Ewart, James D.
Total Number of Pages in this Submission	Attorney Docket Number	CE08613R

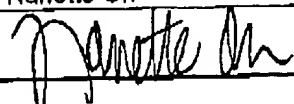
ENCLOSURES		(check all that apply)
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <ul style="list-style-type: none"> <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non-Recordation of Documents
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	February 2, 2004		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage thereon, as Express Mail (Label No. EU699800544US), in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on the date listed below:

Typed or printed name	Nanette Orr		
Signature		Date	February 2, 2004

FEE TRANSMITTAL		Complete if Known																																																																																											
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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number <u>502117</u> Deposit Account Name <u>Motorola, Inc.</u> <input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> </tr> <tr> <th>Code</th> <th>Code</th> <th></th> </tr> </thead> <tbody> <tr><td>1051</td><td>2051</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>1052</td><td>2052</td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>1053</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1231</td><td>110</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>410</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>930</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1450</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>1970</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>320</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>320</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>280</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1610</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>110</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1300</td><td>Petition to revive - unintentional</td></tr> <tr><td>1601</td><td>1300</td><td>Utility issue fee (or rehearal)</td></tr> <tr><td>1502</td><td>470</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>630</td><td>Plant issue fee</td></tr> <tr><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(e)</td></tr> <tr><td>1806</td><td>180</td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>1809</td><td>750</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>1810</td><td>750</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>1801</td><td>750</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> </tbody> </table> Other fee (specify) _____		Large Entity	Small Entity	Fee Description	Code	Code		1051	2051	Surcharge - late filing fee or oath	1052	2052	Surcharge - late Provisional filing	1053	1053	Non-English specification	1812	2520	For filing a request for ex parte Reexamination	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	Requesting publication of SIR after Examiner action	1231	110	Extension for reply within first month	1252	410	Extension for reply within second month	1253	930	Extension for reply within third month	1254	1450	Extension for reply within fourth month	1255	1970	Extension for reply within fifth month	1401	320	Notice of Appeal	1402	320	Filing a brief in support of an appeal	1403	280	Request for oral hearing	1451	1610	Petition to institute a public use proceeding	1452	110	Petition to revive - unavoidable	1453	1300	Petition to revive - unintentional	1601	1300	Utility issue fee (or rehearal)	1502	470	Design issue fee	1503	630	Plant issue fee	1460	130	Petitions to the Commissioner	1807	50	Processing fee under 37 CFR 1.17(e)	1806	180	Submission of IDS	8021	40	Recording each patent assignment per property (times number of properties)	1809	750	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	750	For each additional invention to be examined (37 CFR § 1.129(b))	1801	750	Request for Continued Examination (RCE)	1802	900	Request for expedited examination of a design application
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SUBMITTED BY		Complete (if applicable)																																																																																											
Name (Print/Type) <u>Jeffrey K. Jacobs</u>		Registration No.	44,798																																																																																										
Signature <u>Jeffrey K. Jacobs</u>		Telephone	847-576-5582																																																																																										
		Date	February 2, 2004																																																																																										

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to the Assistant Commissioner for Patents at (703) 872-9306
(Attention: Examiner Ewart)

on: February 2, 2004

Nanette On

Signature

2/2/2004

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- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Love etal.	EXAMINER:	Ewart, James D
SERIAL NO.:	09/840,538	GROUP:	2683
FILED:	04/23/2001	CASE NO.:	CE08613R
ENTITLED:	METHOD OF DYNAMIC TRANSMIT SCHEDULING USING CHANNEL QUALITY FEEDBACK		

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
February 2, 2004

AMENDMENT AND RESPONSE

Honorable Assistant Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed October 6, 2003, the applicants hereby respectfully submit the following amendment and response. Entry of the amendments submitted herein, reconsideration of any outstanding objections and/or rejections, and allowance of the application are respectfully requested.

02/10/2004 LBILLON 00000002 502117 09840538

01 FC:1251 110.00 DA